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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,945	01/15/2002	Mikio Iwamura	218127US2	1514
22850 7590 11/14/2007 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER MATTIS, JASON E	
			ART UNIT	PAPER NUMBER
			2616	
			NOTIFICATION DATE	DELIVERY MODE
			11/14/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/044,945

Applicant(s)

IWAMURA ET AL.

Examiner

Jason E. Mattis

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,8-10 and 12 is/are rejected.
- 7) ☐ Claim(s) 3,7 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the Appeal Brief filed 8/23/07. Claims 1-12 are currently pending in the application.

2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4, 5, 8, 9, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xu et al. (U.S. Pat. 6909690 B1) in view of Khaleghi et al. (U.S. Pat. 6975609 B1).

With respect to claims 1, 5, and 9, Xu et al. discloses a call acceptance control device operating a method in a communication system (**See the abstract of Xu et al. for reference to a communication hub, which is a control device, operating a method to control access to a communication network**). Xu et al. also discloses

connecting users to provide multiple access calls with shared resources (**See column 3 line 46 to column 4 line 22 and Figure 2 of Xu et al. for reference grating access to multiple calls using shared system resources**). Xu et al. further discloses measuring a resource use condition based upon existing connections provided by the connecting step (**See column 3 line 46 to column 4 line 22, column 7 lines 11-21, and Figure 2 of Xu et al. for reference to computing the current effective bandwidth, B , based on the number of concurrently active voice and voice-band data calls**). Xu et al. also discloses restricting acceptance of new calls for connection in the connecting step when a value of the resource use condition measured in the measuring step exceeds a set call acceptance threshold value (**See column 3 line 46 to column 4 line 22, column 7 lines 11-32, and Figure 2 of Xu et al. for reference to comparing the measured effective bandwidth, B , to a provisioned bandwidth, B' , which is a set call acceptance threshold value, and for reference to denying access for a call if the effective bandwidth, B , is greater than or equal to the provisioned bandwidth, B'**). Xu et al. further discloses calculating a correction value in accordance with a number of actively connected packet users of a packet switching system (**See column 6 lines 31-39 and column 7 lines 22-32 of Xu et al. for reference to calculating a correction value B_2 in accordance with a number, m , of actively connected voice-band data calls**). Xu et al. also discloses adjusting the restriction of the new call acceptance in accordance with the call acceptance threshold value in the restricting step by using the correction value calculated in the calculating step (**See column 7 lines 22-32 of Xu et al. for reference to adjusting the effective bandwidth, B , in**

accordance with the value B2 thereby adjusting the restriction new call acceptance by changing the effective bandwidth, B). Although Xu et al. does disclose that the communication network could use wireless communication paths (**See column 2 line 65 to column 3 line 45 and Figure 1 of Xu et al. for reference to the call admission system and method controlling call acceptance in a network using wireless paths**), Xu et al. does not specifically disclose that the network comprises a mobile communication system including a base station and also including packet users and an associated packet switching system producing packet calls and other users and an associated circuit switching system producing other calls.

With respect to claims 1, 5, and 9, Khaleghi et al., in the field of communications, discloses a system and method including a base station and also including packet users of an associated packet switching system as well as other users of an associated circuit switching system (**See column 2 line 61 to column 3 line 22 and Figure 1 of Khaleghi et al. for reference to a system and method using both packet data calls with a corresponding packet data network and voice calls with a corresponding PSTN, which is a circuit switching system**). Using a system and method including a base station and also including packet users of an associated packet switching system as well as other users of an associated circuit switching system has the advantage of allowing wireless users to connect to multiple network types for communicating different types of data.

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Khaleghi et al., to combine using a system

and method including a base station and also including packet users of an associated packet switching system as well as other users of an associated circuit switching system, as suggested by Khaleghi et al., with the system and method of Xu et al., with the motivation being to allow wireless users to connect to multiple network types for communicating different types of data.

With respect to claims 4, 8, and 12, Xu et al. discloses adjusting the restriction of new calls acceptance by raising the measured value of the resource use condition in accordance with the calculated correction value **(See column 7 lines 22-32 of Xu et al. for reference to adjusting the effective bandwidth, B, in accordance with the value B2 thereby adjusting the restriction new call acceptance by changing the effective bandwidth, B, meaning that if B2 is increased, the measured value of B is also increased by the same amount).**

5. Claims 2, 6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xu et al. in view of Khaleghi et al. as applied to claims 1, 4, 5, 8, 9, and 12 above, and further in view of Peisa et al. (U.S. Pat. 6850540 B1).

With respect to claims 2, 6, and 10, the combination of Xu et al. and Khaleghi et al. does not disclose that the system includes guaranteed-bandwidth packet calls. Xu et al. does disclose calculating a correction value used to adjust a call acceptance threshold with the correction value being calculated in accordance with a number of actively connected packet users **(See column 7 lines 22-32 of Xu et al. for reference to adjusting the effective bandwidth, B, in accordance with the value B2 thereby**

adjusting the restriction new call acceptance by changing the effective bandwidth, B).

With respect to claims 2, 6, and 10, Peisa et al., in the field of communications, discloses a wireless system and method using guaranteed-bandwidth packet calls (See column 2 lines 37-67 of Peisa et al. for reference to a wireless system using guaranteed bandwidth data calls). Using guaranteed-bandwidth packet calls has the advantage of allowing a guaranteed quality of service to be provided to packet users of a wireless system.

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Peisa et al., to combine using guaranteed-bandwidth packet calls, as suggested by Peisa et al., with the system and method of Xu et al. and Khaleghi et al., with the motivation being to allow a guaranteed quality of service to be provided to packet users of a wireless system.

Allowable Subject Matter

6. Claims 3, 7, and 11 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

Art Unit: 2616

Claims 3, 7, and 11 would be allowable since none of the prior art of record discloses or renders obvious the claim limitation of adjusting the restriction of call acceptance by lowering a call acceptance threshold in accordance with a correction value calculated based on a number of actively connected packet users of a packet switching system.

Response to Arguments

8. Applicant's arguments, see the Appeal Brief, filed 8/23/07, have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Xu et al. (U.S. Pat. 6909690 B1).

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason E. Mattis whose telephone number is (571) 272-3154. The examiner can normally be reached on M-F 8AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2616

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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